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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 TOLAVIUS TIMMONS,  
12 Plaintiff(s),

13 v.

14 NAPHCARE, INC., et al.,  
15 Defendant(s).

Case No.: 2:16-cv-02229-JCM-NJK

**ORDER**

[Docket No. 68]

16 Pending before the Court is Defendants' filing of a motion to dismiss and a motion for  
17 summary judgment. Docket No. 68. The local rules require that separate requests must be made  
18 in separate filings. *See* Local Rule IC 2-2(b); *see also Bank of N.Y. Mellon v. SFR Ivs. Pool 1,*  
19 *LLC*, 2017 U.S. Dist. Lexis 132101 (D. Nev. Aug. 18, 2017) (Mahan, J.) (discussing the  
20 significance of this requirement). The instant filing violates this rule. Moreover, the motion to  
21 dismiss relies on Rule 41(b) of the Federal Rules of Civil Procedure, but is focused almost  
22 exclusively on alleged discovery violations. In such circumstances, it appears the analysis should  
23 instead be framed by the more specific rules regarding penalties for discovery violations as  
24 established in Rule 37 of the Federal Rules of Civil Procedure. *See, e.g., Societe Internationale*  
25 *Pour Participations Industrielles Et Commerciales, S.A. v. Rogers*, 357 U.S. 197, 207 (1958)  
26 (holding that Rule 37's specific penalties for discovery violations controlled over Rule 41(b)'s  
27 broader authority to issue sanctions for violations of court rules).  
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1           Given the circumstances, the pending motions are **DENIED** without prejudice. No later  
2 than December 9, 2019, Defendants must file completely separate motions seeking discovery  
3 sanctions and summary judgment.

4           IT IS SO ORDERED.

5           Dated: November 27, 2019

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9 Nancy J. Koppe  
10 United States Magistrate Judge  
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